

Legislative Analysis:

Flavored Tobacco Ordinance AS PROPOSED by Columbus Public Health

Summary

This proposed ordinance by Columbus Public Health would:

- Define ‘flavored tobacco’ and expand the definition of tobacco products in Columbus City Code.
- Prohibit the sale and/or distribution of flavored tobacco products, including menthol products, in the City of Columbus.
- Authorize Columbus Public Health to promulgate rules and enforce all flavored tobacco and licensing-related regulations.
- Remove Columbus City Code provisions related to indoor smoking and Tobacco 21—these subjects are now enforced by Ohio Revised Code.
- Take effect 30 days after passage and approval by the Mayor.

Analysis

This ordinance, as proposed by Columbus Public Health, would impose civil penalties (fines) on persons who sell and/or distribute *flavored tobacco* products in the City of Columbus, regardless of whether they have a license or not. Non-flavored tobacco products would continue to be sold and/or distributed with a license.

While this ordinance would prohibit the sale and/or distribution of flavored tobacco products in the City of Columbus, it would *not* prohibit the possession or consumption of flavored tobacco products. Residents would not be penalized for the possession or consumption of flavored tobacco products in the City of Columbus.

Definitions Recommended by Columbus Public Health

Columbus Public Health proposes to define flavored tobacco as any tobacco product that imparts a taste or smell other than tobacco, including menthol flavor.

Columbus Public Health proposes to expand upon the existing definition of tobacco product in Columbus City Code to include both natural and synthetic nicotine, hookahs, flavor enhancers, mouthpieces, and pipes and substances used in electronic smoking devices. Selling these products would now require a valid license from Columbus Public Health.

Enforcement

These prohibitions on all flavored tobacco and the sale of tobacco products without a license would be enforced by Columbus Public Health. Violations would result in a civil penalty and could be appealed to the Board of Health. In addition to civil penalties, Columbus Public Health would be able to deny applications to obtain a tobacco license for violations of this chapter. Fines collected from civil penalties would be invested into the Tobacco Enforcement and Education Fund and administered by Columbus Public Health.